

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE CYBERONICS INC.
SECURITIES LITIGATION

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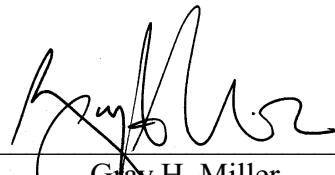
CIVIL ACTION H-05-2121

ORDER

Pursuant to the court's order of November 28, 2006, lead plaintiffs have republished the notice required by the PSLRA to reflect the expanded class period and claims in their amended complaint. Dkt. 83. The PSLRA allows 60 days from the date of publication for potential plaintiffs to move the court for appointment as lead plaintiff. 15 U.S.C. § 78u-4(a)(3)(B)(i). No new potential lead plaintiffs have presented themselves. Therefore, the court REAFFIRMS its appointment of Cyberonics Investment Group as lead plaintiff. Dkt. 25. Additionally, the court REAFFIRMS the appointment of Scott & Scott, L.L.P. and Finkelstein & Krinsk L.L.P. as lead counsel with Emerson Poynter L.L.P. as liason counsel. Finally, the court LIFTS THE STAY it imposed during republication.

It is so ORDERED.

Signed at Houston, Texas on February 21, 2007.



Gray H. Miller
United States District Judge